

Coast Guard, DHS

§ 157.308

name and official number of the vessel for which the exemption is requested.

(2) A list of each port or place where the vessel would load cargo.

(3) The name, address, and telephone number for each shore-based reception facility at each port listed under paragraph (b)(2) of this section where the vessel would discharge its ballast water and oil cargo residues, including:

(i) The name or title of the person at each facility who should be contacted for information concerning the operation of the reception facility; and

(ii) A statement from the facility owner disclosing whether or not, based on current operating conditions, the facility has the capability of processing the anticipated volume and type of discharges from the vessel without adversely affecting the service of the facility to current users.

(4) The number of the permit under the National Pollutant Discharge Elimination System (NPDES permit) issued to each listed shore-based reception facility.

(5) A list of each type of oil cargo that the vessel would load.

(6) A description of the method by which the vessel would discharge ballast water and oil cargo residues to each listed shore based reception facility.

(c) Each request for modification to an exemption must include the following:

(1) The name and official number of the vessel for which the modification to the exemption is requested.

(2) The reason for requesting modification of the exemption.

(3) Any additional information which is pertinent to the modification.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; USCG-2000-7641, 66 FR 55573, Nov. 2, 2001]

§ 157.304 Shore-based reception facility: standards.

No shore-based reception facility may be listed to meet § 157.302(b)(3) unless that reception facility has:

(a) A valid NPDES permit which allows it to process the ballast water and oil cargo residues of the vessel for

which the exemption is being requested; and

(b) The capacity to receive and store a volume of dirty ballast water equivalent to 30 percent of the deadweight, less the segregated ballast volume, of the vessel for which the exemption is being requested.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by USCG-2000-7641, 66 FR 55573, Nov. 2, 2001]

§ 157.306 Granting, denying, or modifying an exemption.

(a) The Assistant Commandant for Marine Safety, Security and Environmental Protection issues a written decision concerning the grant or denial of each exemption or modification requested under § 157.302.

(b) If the exemption or request for modification is denied, the decision under paragraph (a) of this section includes the reasons for the denial.

(c) Any person directly affected by, and not satisfied with, a decision made under paragraph (a) of this section may appeal that decision, in writing, to the Commandant (CG-543), U.S. Coast Guard, Washington, DC 20593-0001. The appeal may contain any supporting documentation or evidence that the appellant wishes to have considered.

(d) The Commandant, U.S. Coast Guard issues a ruling after reviewing the appeal submitted under paragraph (c) of this section. This ruling is final agency action.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002]

§ 157.308 Revocation of exemption: procedure and appeals.

(a) The Officer in Charge, Marine Inspection may consider the revocation of the exemption granted under this subpart when:

(1) Requested by the vessel's owner;

(2) There is evidence that the vessel's owner, operator, or master has failed to comply with the requirements of this subpart; or

(3) There have been changes to the NPDES permit of a reception facility listed to meet § 157.304(b)(3) that would